

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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SEALED SUPERSEDING
INDICTMENT

UNITED STATES OF AMERICA

- v. -

: S2 11 Cr. 929
(PAE)

LUCIANO MENDEZ-ROJAS,
a/k/a "Luciano Mendez,"
INOCENCI ORTEGA,
a/k/a "Rocio,"
a/k/a "Chaparrita,"

:
:
:

Defendants.

- - - - - x

COUNT ONE

(Conspiracy to Commit the Sexual Exploitation of a Child)

The Grand Jury charges:

1. In or about July 2011, in the Southern District of New York and elsewhere, LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," and INOCENCI ORTEGA, a/k/a "Rocio," a/k/a "Chaparrita," the defendants, together with others known and unknown, wilfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 2251(b) of Title 18 of the United States Code.

2. It was a part and object of the conspiracy that LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," and INOCENCI ORTEGA, a/k/a "Rocio," a/k/a "Chaparrita," the defendants, together with others known and unknown, unlawfully, willfully and knowingly, being a parent, legal guardian, and person having

custody and control of a minor, knowingly permitted such minor to engage in, and to assist any other person to engage in, sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, in violation of Title 18, United States Code, Section 2251(b).

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about July 2011, LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," and INOCENCI ORTEGA, INOCENCI ORTEGA, a/k/a "Rocio," a/k/a "Chaparrita," the defendants, directed a minor (the "Victim") to film videos using a video camera of

MENDEZ-ROJAS and ORTEGA engaging in sexually explicit conduct in their home in the Bronx, New York.

b. In or about July 2011, MENDEZ-ROJAS instructed the Victim on how to film videos of MENDEZ-ROJAS and ORTEGA engaging in sexually explicit conduct in the Bronx, New York.

(Title 18, United States Code, Section 2251(e).)

COUNT TWO

(Sexual Exploitation of a Child)

The Grand Jury further charges:

4. In or about July 2011, in the Southern District of New York, LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," and INOCENCI ORTEGA, a/k/a "Rocio," a/k/a "Chaparrita," the defendants, a parent, legal guardian, and person having custody and control of a minor, knowingly permitted such minor to engage in, and to assist any other person to engage in, sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depiction was actually transported and

transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, MENDEZ-ROJAS and ORTEGA, directed the Victim to assist MENDEZ-ROJAS and ORTEGA to engage in sexually explicit conduct for the purpose of producing videos of such conduct using a video camera in the Bronx, New York.

(Title 18, United States Code, Section 2251(b) & 2.)

COUNT THREE

(Receipt of Child Pornography)

The Grand Jury further charges:

5. From at least in or about March 2008, up to and including at least in or about October 2011, in the Southern District of New York, LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," the defendant knowingly did receive and distribute, and attempt to receive and distribute, child pornography, and material that contained child pornography, that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, to wit, MENDEZ-ROJAS received files containing child pornography via the Internet on two computers and an internal hard drive in the Bronx, New York.

(Title 18, United States Code, Sections 2252A(a)(2) and (b)(1).)

COUNT FOUR

(Possession of Child Pornography)

The Grand Jury further charges:

6. From at least in or about February 2011, through in or about October 2011, in the Southern District of New York and elsewhere, LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," the defendant, knowingly did possess, and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MENDEZ-ROJAS possessed files on two handheld electronic tablets containing child pornography that he obtained via the Internet, in the Bronx, New York.

(Title 18, United States Code, Section 2252A(a)(5)(B).)

COUNT FIVE

(Transportation and Distribution of Child Pornography)

The Grand Jury further charges:

7. On or about February 9, 2011, in the Southern District of New York and elsewhere, LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," the defendant, knowingly did mail, and

transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography; and did receive and distribute materials that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MENDEZ-ROJAS transported and distributed files containing child pornography over the Internet via a file sharing program, in the Bronx, New York.

(Title 18, United States Code, Sections 2252A(a)(1), (2)(B).)

COUNT SIX

(Transportation and Distribution of Child Pornography)

The Grand Jury further charges:

8. On or about October 1, 2011, in the Southern District of New York and elsewhere, LUCIANO MENDEZ-ROJAS, a/k/a "Luciano Mendez," the defendant, knowingly did mail, and transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography; and did receive and distribute materials that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MENDEZ-ROJAS transported and distributed

files containing child pornography over the Internet via a file sharing program, in the Bronx, New York.

(Title 18, United States Code, Sections 2252A(a)(1), (2)(B).)


Preet Bharara
PREET BHARARA
United States Attorney

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SUPERSEDING INDICTMENT

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(18 U.S.C. §§ 2251(b); 2251(e);
2252A(a)(5)(B); 2252A(a)(2), (b)(1);
2252A(a)(1), (2)(B) & 2.

PREET BHARARA

United States Attorney.

A TRUE BILL

2/28/12
MB

Filed Indictment Under Seal A/W issued for Def.
Inocenci Ortega

Katz
U.S.M.J.